

Attorneys for Defendant T. VOROS

MICHAEL HOLTSINGER) Case No.: CIV S-03-0732-MCE-CMK-P
)
 Plaintiff,)
) **THIRD STIPULATION RE:**
 vs.) **PROTECTION OF DISCOVERY**
) **DOCUMENTS AND PROPOSED ORDER**
)
 J.M. BRIDDLE, et al.,)
)
 Defendants.)
)
 _____)
 STIPULATION

WHEREAS, the Defendant is concerned about production of said documents due to her right of privacy and the privacy rights of third parties protected by the California and United States Constitutions, and protected by California Penal Code Section 832.7 *et seq.*, and that the safety of inmates and staff at the CDCR may be implicated should the documents be disclosed per California Code of Regulations, Title 15, Section 3321;

THIRD STIPULATION RE: PROTECTION OF DISCOVERY DOCUMENTS AND PROPOSED ORDER

1 NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between the parties
2 and by and between their undersigned counsel, that:

3 1. Plaintiff has made discovery requests for documents pertaining to the Office of
4 the Inspector General (OIG) concerning the physical assault involving the Plaintiff by other
5 inmates on June 22, 2002 at High Desert State Prison (HDSP);

6 2. Subject to, and without waiving any objections any party may have as to the
7 admissibility of any of these documents, the OIG will produce the records ordered to be
8 disclosed by the Court pursuant to an *in camera* review concerning the physical assault involving
9 the Plaintiff by other inmates on June 22, 2002 at HDSP subject to the remainder of this
10 stipulation;

11 3. The documents and contents of the documents described above shall be used only
12 in connection with this action, shall not be disclosed to any person other than the individuals set
13 forth below and may be disclosed only as necessary in connection with this action:

14 a. Plaintiff's counsel and employees, and anyone retained to assist the Plaintiff
15 in the preparation for trial in this action.

16 b. The Defendant, defendant's counsel and employees, and anyone retained to
17 assist Defendant in the preparation for trial of this action.

18 c. Experts or consultants retained by a party solely to assist in preparation for
19 trial of this action.

20 d. The Court.

21 4. The documents shall not be disclosed or shown to or duplicated for the Plaintiff,
22 or the Plaintiff's former cell mate, Paul Magnan, or Mr. Magnan's counsel in *Magnan v.*
23 *Runnels, et al*, Eastern District Case No. 03-1099-GEB-KJM-P. Upon a showing to the Court of
24 good cause, the contents of the documents may be disclosed to the Plaintiff pursuant to a Court
25 order for purposes of preparing for trial;

26 5. No copies, extracts, or summaries of any of the above documents shall be made
27 except by or on behalf of counsel of record. Such copies, extracts, or summaries shall also be
28 maintained as described herein;

1 6. None of the documents shall be attached to any publicly available deposition or
2 other transcript. Any exhibits consisting of the above described documents shall be bound
3 separately under seal separately from any deposition or other transcript.

4 7. Any of the documentation referred to above which is contained or discussed in
5 any pleading, motion, exhibit or other paper filed with the Court shall be filed under seal in
6 accordance with the Court's Civil Local Rule 39-141.

7 8. Any pleading, motion papers, or other papers not filed under seal shall have
8 deleted therefrom any of the above documents as well as all portions of such pleadings or papers
9 that would disclose the substance of any of the above documents. However, said material need
10 not be deleted from any pleadings or other papers served upon counsel of record or upon a party
11 representing him/herself.

12 9. This protective order is not intended to govern at trial. The parties will cooperate
13 in establishing procedures acceptable to the Court with respect to the protection of the above
14 documents at any trial and upon any appeal of this case.

15 10. Within ninety (90) days after receiving notice of the entry of an order, judgment
16 or decree terminating this action, and after the conclusion of any appeals, all persons having
17 received the documentation described above shall return such material and all copies of it to
18 counsel for the party who produced it. Counsel for Plaintiff shall destroy all extracts or
19 summaries of the above documents or destroy the documents containing the extracts or
20 summaries.

21 11. The Clerk of the Court shall, upon request of a party or the OIG, return to that
22 party or the OIG all documents and things containing or referring to the above documents that
23 were filed under seal pursuant to this protective order. As to those documents or things
24 containing such information which cannot be returned, they shall continue to be kept under seal
25 and shall not be examined by any person without prior Court order issued after notice to all
26 parties, or a written stipulation of counsel for all parties.

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1 12. Nothing contained in the protective order shall preclude any party from seeking or
2 obtaining, upon an appropriate showing, additional protection with respect to any document,
3 information or other discovery material.

4 13. This protective order shall remain in effect for the duration of this action unless
5 terminated by stipulation or by Court order. Insofar as they restrict the disclosure, treatment, or
6 use of information subject to a protective order, the provisions of this protective order shall
7 continue to be binding after the termination of this action, unless the Court orders otherwise.

8 14. This stipulation may be filed with the Court and an order obtained based thereon
9 but need not be so filed in order to be effective.

10
11 Dated: July 23, 2009

12 /s/ Carter C. White

13 By: _____
14 CARTER C. WHITE
15 Attorneys for Plaintiff, Michael
 Holtsinger

16 Dated: July 23, 2009

 ANGELO, KILDAY & KILDUFF

17 /s/ Carrie A. Frederickson

18 By: _____
19 CARRIE A. FREDERICKSON
20 Attorneys for Defendant T. KNIGHT

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ORDER

Pursuant to stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED.

DATED: July 27, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE